

FILED
CHARLOTTE, NC

JUL - 8 2022

US DISTRICT COURT
WESTERN DISTRICT OF NC

United States District Court
Eastern District of North Carolina
Western Division

Case No. 5:22-cv-91-MR
(To be filled out by Clerk's Office only)

Rodney Lamont Greenfield

Inmate Number 1332192

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

COMPLAINT

(Pro Se Prisoner)

Jury Demand?

☒ Yes

☐ No

Correctional Officer (F.N.U.) Hernandez

Sergeant (F.N.U.) Herald

Unknown Sergeant John Doe

Facility Intelligence Officer Alex Tray Morrison

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Section IV. Do not include addresses here.)

NOTICE

Federal Rule of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

I. COMPLAINT

Indicate below the federal legal basis for your claim, if known. This form is designed primarily for pro se prisoners challenging the constitutionality of their conditions of confinement, claims which are often brought under 42 U.S.C. § 1983 (against state, county, or municipal defendants) or in a "Bivens" action (against federal defendants).

- ☒ 42 U.S.C. § 1983 (state, county, or municipal defendants)
- ☐ Action under *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971) (federal defendants)
- ☐ Action under Federal Tort Claims Act (United States is the proper defendant; must have presented claim in writing to the appropriate Federal agency and received a notice of final denial of the claim pursuant to 28 U.S.C. § 2401(b))

II. PLAINTIFF INFORMATION

Rodney Lamont Greenfield
Name

1332192
Prisoner ID #

Alexander Correctional Institutional
Place of Detention

633 Old Landfill Road
Institutional Address

Taylorsville
City

NC
State

28681
Zip Code

III. PRISONER STATUS

Indicate whether you are a prisoner or other confined person as follows:

- ☐ Pretrial detainee ☐ State ☐ Federal
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner

IV. DEFENDANT(S) INFORMATION

Please list the following information for each defendant. If the correct information is not provided, it could result in the delay or prevention of service. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant 1: (F.N.U.) Hernandez
Name
Correctional Officer
Current Job Title
Alexander Correctional Institution 633 Old Landfill Road
Current Work Address
Taylorsville NC 28681
City State Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant 2: (F.N.U.) Herald
Name
Correctional Sergeant
Current Job Title
Alexander Correctional Institution 633 Old Landfill Road
Current Work Address
Taylorsville NC 28681
City State Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant(s) Continued

Defendant 3: John DOE (UNIDENTIFIED)
Name
Correctional Sergeant
Current Job Title
Alexander Correctional Institution 633 Old Landfill Road
Current Work Address
Taylorsville NC 28681
City State Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

Defendant 4: Alex Troy Morrison
Name
Facility Intelligence Officer
Current Job Title
Alexander Correctional Institution 633 Old Landfill Road
Current Work Address
Taylorsville, NC 28681
City State Zip Code

Capacity in which being sued: ☐ Individual ☐ Official ☒ Both

V. STATEMENT OF CLAIM

Place(s) of occurrence: Alexander Correctional Institution

Date(s) of occurrence: 2/18/2022, 2/19/2022, and 2/21/2022

State which of your federal constitutional or federal statutory rights have been violated:

14th and 8th Amendments

State here briefly the FACTS that support your case. Describe how each defendant was personally involved in the alleged wrongful actions, state whether you were physically injured as a result of those actions, and if so, state your injury and what medical attention was provided to you.

FACTS:

Who
did what to
you?

On 2/18/2022 I arrived back from the hospital from having a major surgery for life threatening blood clots. I returned to the Prison in pain and hurt me to walk. A unidentified Sergeant (John Doe) on Green Unit endangered my life, disregarded my medical condition and was deliberately indifferent to my ailments and safety by placing me in General Population in a cell block with 48 inmates when I arrived back to the Prison from having surgery. This Sergeant John Doe also got mad and became retaliatory with malicious intent after I told him I had to have a bottom tier cell due to my physical conditions and lower extremities ailments. This Sgt. John Doe did not want to move me from my Top Tier cell so

he ignored all of the inmates inside my regular cell block who volunteered to give their bottom tier cell up to go to Top Tier and switch cells with me. Sgt. John Doe had knowledge of threats on my life in another block on the Unit (because I overheard him talking about it one day) so he made me move on the evening of (2nd Shift) 2/18/2022 to that cell block on the other side of the Unit where he knew my life was in danger. Even more at that time due to my physical ailments and limited capabilities.

What
happened
to you?

As a result the very next morning 2/19/2022 at 0730 hrs when it was time for my group cells to be unlocked and have dayroom time, Defendant % Hernandez observed a inmate approach my cell and attack me as I valiantly fought to defend myself while suffering leg and back injuries and aggravating pre-existing ailments. A code 4 was announced over the Prison loud speakers for all available custody staff to respond and rush to the scene break up the physical altercation secure the Area and lock up the Active participants and provide them medical screening and medical treatment. No one responded to the Code 4 and came to the scene and broke up the fight. Not even the Unit Correctional Officers nearby or the Unit Sergeant Defendant Sgt. Herald, who was in the unit. Subsequently and consequently due to these staff blatant disregard and deliberate indifference I was stabbed "five" minutes later by a different inmate, this time % Hernandez announced another Code 4 over the Prison loud speakers the time was 0735 hrs. This time Defendant Sgt Herald (whose office was 70 Feet away) responded. Sgt Herald observed the 2nd inmate on top of me striking me in the head and face when he arrived. Sgt Herald recovered weapons. I was taken out of Green Unit E Block and transported to the Hospital for my injuries which included stab wounds, blunt force trauma to the head, back, and leg injuries. That all still give me lingering pain and cause me limited mobility. I was charged with a A-14, B-22 and placed in 6 months segregation (R.H.C.P) as a result of a investigation Defendant F.I.O officer Alex Tray Morrison says he completed on 2/21/2022. However, he violated my procedural Due Process rights by conducting a "investigation" which resulted in me being placed in punitive segregation for 180 days as a result of him accusing me of a gang related assault etc. And not allowing me to write a statement or request evidence and witness statements be gathered in my behalf in my defense. Defendant Morrison never came to me when conducting his investigation. I've suffered Mental Anguish, Mental and Emotional distress, Anxiety, psychological trauma, and all around Mental pain and suffering as a result of being placed in long term punitive segregation

Where did it
happen to
you?

for 180 days as a result of the defendants actions.

What was
your
injury?

VI. ADMINISTRATIVE PROCEDURES

WARNING: Prisoners must exhaust administrative procedures before filing an action in federal court about prison conditions. 42 U.S.C. § 1997e(a). Your case may be dismissed if you have not exhausted your administrative remedies.

Have you filed a grievance concerning the facts relating to this complaint? ☒ Yes ☐ No

If no, explain why not:

Is the grievance process completed?

☐ Yes ☒ No

If no, explain why not:

The staff shredded it saying I can not Grievance a Disciplinary Action
So they deny to accept it at all. I attempted Numerous of times.

VII. RELIEF

State briefly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Compensatory Damages in the amount of ^{150,000} ~~\$125,000~~ or more
Punitive Damages in the amount of ^{150,000} ~~\$125,000~~ or more
And whatever other Relief the Jury deems fit

VIII. PRISONER'S LITIGATION HISTORY

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in forma pauperis in federal court if that prisoner has "on three or more occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. §1915(g).

Have you brought any other lawsuits in state or federal court while a prisoner?

☒ Yes ☐ No

If yes, how many? 1

Number each different lawsuit below and include the following:

- Name of case (including defendants' names), court, and docket number
- Nature of claim made
- How did it end? (For example, if it was dismissed, appealed, or is still pending, explain below.)

(1st) State Tort Claim: North Carolina Department of Public Safety; North
Carolina Industrial Commission; I.C. File No. FA-28724

Damage/Lost of Personal and Legal Property / Negligence

I'm currently awaiting the Deputy Commissioner decision


IX. PLAINTIFF'S DECLARATION AND WARNING

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending or modifying existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint and provide prison identification number and prison address.

06/ /2022
Dated


Plaintiff's Signature

Rodney L. Greenfield
Printed Name

1332192
Prison Identification #

633 Old Landfill Rd Taylorsville NC 28681
Prison Address City State Zip Code